

AMENDED IN ASSEMBLY APRIL 17, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1706**

---

**Introduced by Assembly Member Eng**

February 15, 2012

---

~~An act to amend Section 660 of the Vehicle Code, relating to vehicles.~~  
*An act to add and repeal Section 35554.1 of, and to repeal and add Section 35554 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1706, as amended, Eng. Vehicles: ~~unladen weight~~. transit bus weight.

*(1) Under existing law, the gross weight imposed upon the highway by the wheels on any one axle of a vehicle is prohibited from exceeding 18,000 pounds, except the gross weight on any one axle of a bus is prohibited from exceeding 20,500 pounds. A violation of these requirements is a crime.*

*This bill would repeal that weight exception for buses on January 1, 2016. The bill would instead exempt a transit bus from the limits on the weight that may be imposed upon the highway by the wheel of any one axle, until January 1, 2016, and as of that date, the bill would repeal that exemption for transit buses and reinstate the existing prohibition of 20,500 pounds for any one axle of a bus. The bill would prohibit a publicly owned or operated transit system or an operator of a transit system under contract with a publicly owned or operated transit system from procuring a new transit bus whose gross weight exceeds the gross weight of the heaviest transit bus in the system's existing bus inventory, for that transit bus' fleet class as of December 31, 2012, except as*

*specified. The bill would repeal this prohibition on January 1, 2016. The bill would impose a state-mandated local program by imposing new requirements upon buses that are not transit buses.*

*The bill would require the Secretary of the Business, Transportation and Housing Agency to convene a task force for the purpose of preparing a report concerning the maximum axle weight limitations in federal and state statutes applicable to transit buses. The bill would specify the information, analyses, and recommendations to be included in the report and would require the report to be submitted by January 1, 2015, to the appropriate Senate and Assembly Committees of the Legislature that oversee transportation issues.*

*The bill would appropriate an unspecified amount from the Public Transportation Account and an unspecified amount from the State Highway Account to the secretary to prepare the report.*

*The bill would repeal this provision on January 1, 2020.*

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law, for purposes of the Vehicle Code, specifies that the “unladen weight” of a vehicle is the weight equipped and ready for operation on the road including the body, fenders, oil in motor, radiator full of water, with 5 gallons of gasoline or equivalent weight of other motor fuel, equipment required by law, except as provided, and any special cabinets, boxes, or body parts permanently attached to the vehicle, and any machinery, equipment, or attachment that is attendant to the efficient operation of the body or vehicle.~~

~~This bill would additionally include batteries among those items included as the basis for determining the unladen weight of a vehicle.~~

~~Vote: majority. Appropriation: no-yes. Fiscal committee: yes. State-mandated local program: no-yes.~~

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

1     (a) Fully funded, efficient, and effective public transit systems  
2     operating in a balanced transportation network do all of the  
3     following:

4         (1) Support California's growing economy by moving people  
5         to their jobs and to educational sites, by providing well-paying  
6         and stable jobs, and by enhancing the value of surrounding real  
7         estate.

8         (2) Bolster the state's energy security by decreasing dependence  
9         on imported oil.

10        (3) Contribute to California's greenhouse gas reduction and  
11        air quality improvement goals.

12        (4) Save travelers time by mitigating traffic congestion as the  
13        state's population grows.

14        (5) Afford the safest means of motorized travel.

15        (6) Promote equitable access to affordable, reliable, and safe  
16        transportation for all Californians.

17     (b) The state should therefore support the continued building,  
18     maintenance, and operation of effective local and regional public  
19     transportation networks for, including, but not limited to, the  
20     following additional reasons:

21         (1) Every one billion dollars (\$1,000,000,000) invested in  
22         transportation infrastructure creates 47,500 jobs.

23         (2) Every one dollar (\$1) invested in public transportation  
24         generates approximately six dollars (\$6) in local economic activity.

25         (3) Real estate, including residential, commercial, and business,  
26         that is served by public transit is valued more highly by the public  
27         than similar properties not as well-served by transit. For example,  
28         in the County of San Diego, residential properties for sale near  
29         commuter rail stops were valued 17 percent higher than properties  
30         for sale not near commuter rail stops.

31         (4) California oil production has steadily decreased since its  
32         peak in the 1980s, which has resulted in an increased need for  
33         imported oil. In 2006, California imported 55 percent, 328 of 593  
34         million barrels of the oil that it consumed. If the cost of oil is  
35         calculated at ninety dollars (\$90) per barrel, this level of  
36         importation of oil results in twenty-nine billion five hundred million  
37         dollars (\$29,500,000,000) annually leaving the state. Public transit  
38         in California currently reduces the need to import oil by creating  
39         savings of 486 million gallons of oil annually.

1     (5) Volatile organic compounds (VOCs) and nitrogen oxide  
2     (NOx) in high concentrations create dangerous air quality  
3     conditions that cause at least 6,500 premature deaths, 9,000  
4     hospitalizations, and 1,700,000 cases of respiratory illness  
5     annually in California. Public transportation reduces carbon  
6     monoxide (CO) by 95 percent, VOCs by 90 percent, and NOx by  
7     50 percent, per passenger mile, compared to driving a private  
8     vehicle.

9     (6) To meet requirements set out by Assembly Bill 32 of the  
10    2006 Regular Session of the Legislature that enacted the California  
11    Global Warming Solutions Act of 2006 (Division 25.5 (commencing  
12    with Section 38500) of the Health and Safety Code), and Executive  
13    Order S-3-05, California will have to reduce its per capita  
14    emissions from 13 metric tons to 9.5 metric tons by 2020 and 2  
15    metric tons by 2050. By taking existing public transportation  
16    instead of driving a car, a single person can save 2.1 metric tons,  
17    or 4,800 pounds, of carbon dioxide (CO<sub>2</sub>) per year.

18    (7) In the next 10 years, the California population is expected  
19    to grow by over four million people, mostly in urban centers. This  
20    will lead to more time wasted in traffic congestion. In 2005, public  
21    transit prevented 540.8 million hours of traffic delay around the  
22    country, according to the Texas Transportation Institute. The  
23    monetary value of those savings was ten billion two hundred  
24    million dollars (\$10,200,000,000).

25    (8) Those traveling by personal vehicles or in trucks suffer much  
26    higher fatality rates than those traveling by public transit. The  
27    National Transportation Safety Board reports that 32,841 fatalities  
28    occurred during the 2010 calendar year on the nation's highways  
29    related to personal vehicle or truck use, but in the same year, only  
30    44 fatalities were recorded related to public transit bus use.

31    (9) By 2025, an estimated one in five Californians will be over  
32    65 years of age. Public transportation is already playing an  
33    important role for this demographic group, 20 percent of which  
34    does not drive.

35    (10) Californians recognize the benefits of public transportation  
36    and are responding with increased demand. Transit ridership is  
37    growing and particularly increases when the price of gasoline  
38    increases.

39    (c) However, as public transit ridership has increased, concerns  
40    arise about the long-term sustainability of the transportation

1 *network built to support cars, trucks, and buses. The increased*  
2 *frequency of transit bus use disproportionately damages city*  
3 *streets, county roads, and the state's highway and interstate*  
4 *systems, due to the pavement wear impact of heavy transit vehicles*  
5 *relative to other types of vehicles, as evidenced by all of the*  
6 *following:*

7 *(1) In 2002, the United States Congress directed the preparation*  
8 *by the Secretary of the United States Department of Transportation*  
9 *of a study on the federal and state maximum axle weight limitations*  
10 *applicable to vehicles using the Dwight D. Eisenhower National*  
11 *System of Interstate and Defense Highways, as the limitations*  
12 *apply to over-the-road buses and public transit vehicles. The*  
13 *study's purpose was to determinate how the requirements of the*  
14 *federal limitation on vehicle axle weights should be applied to*  
15 *over-the-road buses and public transit vehicles, and, in making*  
16 *those recommendations, to consider all of the following factors:*

17 *(A) Vehicle design standards.*

18 *(B) Statutory and regulatory requirements, including the federal*  
19 *Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and the federal*  
20 *Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et*  
21 *seq.) as amended.*

22 *(C) Motor vehicle safety standards prescribed under Chapter*  
23 *301 of Title 49 of the United States Code (49 U.S.C. Sec. 30101*  
24 *et seq.).*

25 *(D) The availability of lightweight materials suitable for use in*  
26 *the manufacture of over-the-road buses.*

27 *(E) The cost of those lightweight materials relative to the cost*  
28 *of heavier materials in use as of the date of the determination.*

29 *(F) Any safety or design considerations relating to the use of*  
30 *those materials.*

31 *(2) The report specified in paragraph (1) also included an*  
32 *analysis of, and recommendations concerning, all of the following:*

33 *(A) The means to be considered to encourage the development*  
34 *and manufacture of lightweight buses.*

35 *(B) An analysis of, and recommendations concerning, whether*  
36 *Congress should require that each rulemaking by an agency of*  
37 *the federal government that affects the design or manufacture of*  
38 *motor vehicles consider the weight that would be added to the*  
39 *vehicle by implementation of the proposed rule.*

1     (C) *The effect that the added weight would have on pavement*  
2 *wear.*

3     (D) *The resulting cost to the federal government and state and*  
4 *local governments.*

5     (3) *In 2005, federal law was amended to temporarily provide*  
6 *an exemption from the federal vehicle weight limitations for transit*  
7 *vehicles on the Dwight D. Eisenhower National System of Interstate*  
8 *and Defense Highways (the Interstate System), and to prohibit*  
9 *specified states, including California, or any political subdivision*  
10 *of those states, from enforcing a transit vehicle weight limit of less*  
11 *than 24,000 pounds on the Interstate System. That exemption and*  
12 *prohibition are in place until June 30, 2012.*

13     (d) *The Vehicle Code currently places a restriction on the gross*  
14 *weight imposed upon the highway by the wheels of any one axle*  
15 *of a bus, which cannot exceed 20,500 pounds. However, that*  
16 *restriction was created in 1976, and, is only 500 pounds heavier*  
17 *than the restriction generally placed on any other type of vehicle*  
18 *operating on the highways. In the case of vehicle axle weights, the*  
19 *term “highway” is interpreted to include city streets and county*  
20 *roads.*

21     (e) *The federal study specified in paragraph (1) of subdivision*  
22 *(c) referenced several reasons why public transit buses have*  
23 *become heavier over the years, particularly in the more than three*  
24 *decades since California first imposed a specific axle weight*  
25 *limitation on buses, as follows:*

26     (1) *Requirements placed on bus manufacturers, as well as on*  
27 *providers of local public transit service, to comply with new federal*  
28 *and state laws and regulations.*

29     (2) *Heavier fuel tanks to safely contain alternative fuels such*  
30 *as natural gas that are necessary to meet air quality standards*  
31 *and engine emissions standards imposed on buses.*

32     (3) *Wheelchair lifts and other safety equipment necessary to*  
33 *transport disabled passengers pursuant to the federal Americans*  
34 *with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as*  
35 *amended.*

36     (f) *Some local law enforcement agencies have begun to cite*  
37 *some operators of public transportation services for operating*  
38 *transit vehicles in excess of the California axle weight limitations*  
39 *for buses, thus threatening disruption of efficient and effective*  
40 *public transit service that otherwise complies with all applicable*

1 federal and state laws and regulations, including those laws and  
2 regulations that have compelled operation of heavier transit buses.

3 (g) Therefore, it is vital the state act immediately to clarify that  
4 the public transit vehicles currently operating in California are  
5 permitted to continue in transit service without disruption due to  
6 the state's outdated transit bus weight limitation, while a study is  
7 prepared analyzing all of the following:

8 (1) The appropriate transit bus axle weight limitations to reflect  
9 current federal and state laws affecting vehicle manufacture.

10 (2) The availability of, and the ability of manufacturers to utilize,  
11 lighter-weight materials in the manufacture and integration of  
12 transit buses.

13 (3) Other alternative strategies to ensure the long-term  
14 sustainability of the transportation network, including the Interstate  
15 System, state highways, local streets and roads, and public transit  
16 systems.

17 (4) A comparison of the costs of maintaining the status quo  
18 versus the potential cost to state and local governments of adopting  
19 new vehicle axle weight standards for transit buses.

20 (5) Requiring the use of lighter-weight materials in the  
21 manufacture and integration of buses.

22 (6) Alternative strategies for ensuring the sustainability of the  
23 transportation network.

24 SEC. 2. Section 35554 of the Vehicle Code is repealed.

25 ~~35554. Notwithstanding Section 35550, the gross weight on~~  
26 ~~any one axle of a bus shall not exceed 20,500 pounds.~~

27 SEC. 3. Section 35554 is added to the Vehicle Code, to read:

28 35554. (a) A transit bus is not subject to Section 35550.

29 (b) (1) For purposes of this subdivision "fleet class" means a  
30 group of transit buses designated by a publicly owned or operated  
31 transit system or an operator under contract with a publicly owned  
32 or operated transit system that owns those transit buses, if the  
33 transit buses have a combination of two or more of the following  
34 similar defining characteristics:

35 (A) Length.

36 (B) Seating capacity.

37 (C) Number of axles.

38 (D) Fuel or power system.

39 (E) Width.

40 (F) Structure.

1     (G) *Equipment package.*

2     (2) *A publicly owned or operated transit system or an operator*  
3 *of a transit system under contract with a publicly owned or*  
4 *operated transit system shall not procure, through a solicitation*  
5 *process pursuant to which a solicitation is issued after January 1,*  
6 *2013, a new transit bus whose gross weight exceeds the gross*  
7 *weight of the heaviest transit bus in the system's existing bus*  
8 *inventory, for that transit bus' fleet class as of December 31, 2012.*

9     (3) *Paragraph (2) does not prohibit a publicly owned or*  
10 *operated transit system or an operator of a transit system under*  
11 *contract with a publicly owned or operated transit system from*  
12 *incorporating a new fleet class into its inventory if the governing*  
13 *board of the publicly owned or operated transit system, or the*  
14 *governing board of the publicly owned or operated transit system*  
15 *that has entered into the contract with the operator, adopts a*  
16 *finding at a public hearing that the fleet class expansion or change*  
17 *in fleet classes is necessary to address a need to serve a new or*  
18 *existing market, or to meet a federal, state, or regional statutory*  
19 *or regulatory requirement, and includes a consideration of vehicle*  
20 *needs and fleet size.*

21     (c) *This section shall remain in effect only until January 1, 2016,*  
22 *and as of that date is repealed, unless a later enacted statute, that*  
23 *is enacted before January 1, 2016, deletes or extends that date.*

24     SEC. 4. *Section 35554 is added to the Vehicle Code, to read:*

25     35554. (a) *Notwithstanding Section 35550, the gross weight*  
26 *on any one axle of a bus shall not exceed 20,500 pounds.*

27     (b) *This section shall become operative on January 1, 2016.*

28     SEC. 5. *Section 35554.1 is added to the Vehicle Code, to read:*

29     35554.1. (a) *For purposes of this section, "secretary" means*  
30 *the Secretary of the Business, Transportation and Housing Agency.*

31     (b) *The secretary shall convene a task force to oversee the*  
32 *preparation of a report concerning the maximum axle weight*  
33 *limitations in federal and state statutes applicable to transit buses*  
34 *using the highways, streets, and roads of the state and to transit*  
35 *buses using the portions in the state of the Dwight D. Eisenhower*  
36 *National System of Interstate and Defense Highways subject to*  
37 *Section 127 of Title 23 of the United States Code, and to*  
38 *recommend strategies relative to measuring and enforcing transit*  
39 *bus weight limits, designing and manufacturing transit buses, and*  
40 *updating and utilizing the most effective and efficient pavement*



1 *design standards when designing and constructing highways and*  
2 *streets and roads, to ensure the sustainability of the state's*  
3 *transportation network of highways, streets, roads, and public*  
4 *transit systems.*

5 *(c) The task force shall consist of all of the following:*

6 *(1) Two representatives of public transportation systems, as*  
7 *determined by the California Transit Association.*

8 *(2) Two representatives of bus manufacturers, bus component*  
9 *integrators, or bus component manufacturers, as determined by*  
10 *the California Transit Association.*

11 *(3) Three representatives of cities, as determined by the League*  
12 *of California Cities.*

13 *(4) One representative of counties, as determined by the*  
14 *California State Association of Counties.*

15 *(5) A representative of the Department of Transportation.*

16 *(6) A representative of the Department of the California*  
17 *Highway Patrol.*

18 *(d) The report shall include all of the following:*

19 *(1) A determination concerning any changes that should be*  
20 *made to the requirements of Section 35554, as that section read*  
21 *on January 1, 2012, regarding the application of axle weight limits*  
22 *to transit buses.*

23 *(2) An analysis of the applicability of the weight restrictions in*  
24 *Section 35554, as that section read on January 1, 2012, compared*  
25 *to the requirements of federal and state laws and regulations that*  
26 *affect the weight of transit buses.*

27 *(3) Recommendations relative to updating the pavement design*  
28 *standards utilized by the Department of Transportation in*  
29 *designing and constructing highways and by local governments*  
30 *in designing and constructing streets and roads, given the necessity*  
31 *of maintaining a sustainable transportation network that includes*  
32 *the provision of adequate public transportation service by bus,*  
33 *and the requirements of federal and state laws and regulations*  
34 *that affect the weight of transit buses.*

35 *(4) An analysis of, and recommendations concerning, whether*  
36 *the Legislature should require that each state agency that adopts*  
37 *regulations that affect the design or manufacture of motor vehicles*  
38 *consider all of the following:*

39 *(A) The weight that would be added to the vehicle by*  
40 *implementation of the proposed regulation.*

1     (B) *The effect that the added weight would have on pavement*  
2 *wear.*

3     (C) *The resulting cost to the state and local governments.*

4     (5) *An analysis relating to the axle weight of transit buses that*  
5 *compares the costs of the pavement wear caused by transit buses*  
6 *with the costs of the pavement wear caused by other vehicles,*  
7 *including trucks or vehicles such as municipal garbage trucks or*  
8 *fire engines.*

9     (e) *In preparing the report required by this section, the secretary*  
10 *shall consider all of the following:*

11     (1) *Vehicle design standards, including those relating to*  
12 *durability and corrosion, and the typical operating environments*  
13 *of transit vehicles.*

14     (2) *Statutory and regulatory requirements, including the federal*  
15 *Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the federal Americans*  
16 *with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as*  
17 *amended, and the transit bus engine emission regulations and*  
18 *standards adopted by the State Air Resources Board and by*  
19 *individual air quality management districts.*

20     (3) *Federal motor vehicle safety standards prescribed under*  
21 *Chapter 301 of Title 49 of the United States Code (49 U.S.C. Sec.*  
22 *30101 et seq.).*

23     (4) *The availability of lightweight materials suitable for use in*  
24 *the manufacture of transit buses, the cost of those lightweight*  
25 *materials relative to the cost of heavier materials in use as of the*  
26 *date of the determination, and any safety or design considerations*  
27 *relating to the use of those materials.*

28     (5) *The necessity of vehicle amenities that are attractive to*  
29 *existing or prospective transit passengers.*

30     (6) *Any available information pertaining to the means to*  
31 *encourage the development and manufacture of lightweight transit*  
32 *buses.*

33     (7) *Any other pertinent data in the report by the Secretary of*  
34 *the United States Department of Transportation entitled Study &*  
35 *Report to Congress: Applicability of Maximum Axle Weight*  
36 *Limitations to Over-the-Road and Public Transit Buses Pursuant*  
37 *to Senate Report No. 107-38, dated December 2003.*

38     (8) *The latest interpretation by the Federal Transit*  
39 *Administration and by the Federal Highway Administration of the*  
40 *applicability of Section 127 of Title 23 of the United States Code*

1 *as it pertains to enforcement in California of federal limitations*  
2 *on transit bus weight.*

3 *(f) The secretary shall submit this report to the appropriate*  
4 *Senate and Assembly Committees of the Legislature that oversee*  
5 *transportation issues on or before January 1, 2015. The report*  
6 *shall be submitted in compliance with Section 9795 of the*  
7 *Government Code.*

8 *(g) Both of the following amounts are hereby appropriated to*  
9 *the secretary from the following sources for purposes of preparing*  
10 *the report required by this section:*

11 *(1) \_\_\_\_\_ dollars \_\_\_\_\_ is hereby appropriated from the Public*  
12 *Transportation Account.*

13 *(2) \_\_\_\_\_ dollars \_\_\_\_\_ is hereby appropriated from the State*  
14 *Highway Account from the truck weight fee revenue derived from*  
15 *Section 9400.*

16 *(h) This section is repealed on January 1, 2019, pursuant to*  
17 *Section 10231.5 of the Government Code unless a later enacted*  
18 *statute, that is enacted before January 1, 2019, deletes or extends*  
19 *that date.*

20 *SEC. 6. No reimbursement is required by this act pursuant to*  
21 *Section 6 of Article XIII B of the California Constitution because*  
22 *the only costs that may be incurred by a local agency or school*  
23 *district will be incurred because this act creates a new crime or*  
24 *infraction, eliminates a crime or infraction, or changes the penalty*  
25 *for a crime or infraction, within the meaning of Section 17556 of*  
26 *the Government Code, or changes the definition of a crime within*  
27 *the meaning of Section 6 of Article XIII B of the California*  
28 *Constitution.*

29 ~~SECTION 1. Section 660 of the Vehicle Code is amended to~~  
30 ~~read:~~

31 ~~660. The “unladen weight” of a vehicle is the weight equipped~~  
32 ~~and ready for operation on the road including the body, fenders,~~  
33 ~~oil in motor, batteries, radiator full of water, with five gallons of~~  
34 ~~gasoline or equivalent weight of other motor fuel; equipment~~  
35 ~~required by law, and unless exempted under Section 66l, any~~  
36 ~~special cabinets, boxes, or body parts permanently attached to the~~  
37 ~~vehicle, and any machinery, equipment, or attachment that is~~  
38 ~~attendant to the efficient operation of the body or vehicle. Unladen~~  
39 ~~weight shall not include any load or any machinery or mechanical~~  
40 ~~apparatus, such as, but not limited to, wood saws, well-drilling~~

1 machines, spray apparatus, tow truck cranes, and grinding  
2 equipment. The unladen weight of a vehicle shall have no  
3 application in determining any fee under this code or the Revenue  
4 and Taxation Code other than Section 9400.

O